

In Re:

Curtis Charles Waldheim

AFFIRMATION IN OPPOSITION

Robert B. Hunter affirms under penalties of perjury that he is an attorney at law and associated with the firm of M. L. Zager, P.C., attorneys for Schmidts Wholesale Inc., a creditor of the above referenced estate, and as such is fully familiar with all of the facts and circumstances hereinafter set forth.

1. I submit this affirmation in opposition to the Chapter 13 Trustee's objection to the claim of Schmidts Wholesale Inc. (Claim #9) which was received by the clerk of this court according to the date stamp on March 5, 2018. The Trustee's objection is the fact that the deadline for the creditor to file the claim was March 1, 2022. A copy of our claim is annexed hereto as **Exhibit A**.

2. Our office as attorney for the creditor, Schmidts Wholesale Inc. received timely notification of the debtor's Chapter 13 filing. We prepared our proof of claim a copy of which is annexed hereto. Our notes indicate that the proof of claim was mailed by our office on February 22, 2018. A copy of our notes documenting that is annexed hereto as **Exhibit B**.

3. I cannot offer a reasonable explanation as to why it took until March 5, 2018 for the claim to be received and filed by the clerk of this Court. Nonetheless, I point out to the Court that per 11 U.S.C. 726 (a)(C)(ii) provides that the property of the estate shall be distributed by the Chapter 13 Trustee if the proof of claim that was tardily filed was filed in time to permit payment of such claim.

4. Based on that provision, your affirmant respectfully requests that this Court permit the late filing of the claim of Schmidts Wholesale Inc. and deny the Trustee's objection to the claim as filed.

mm
FILED 22 SEP 19 PM 12:25
CLERK, US COURT, PMB

WHEREFORE, your affirmant respectfully requests that Chapter 13 Trustee's objection to the claim of Schmidts Wholesale Inc. (Claim #9) ought to in all respects be denied.

Dated: September 13, 2022



M. L. ZAGER, P.C.

BY: ROBERT B. HUNTER, ESQ.

Attorneys for Schmidts Wholesale Inc.

461 Broadway, P.O. Box 948

Monticello, N.Y. 12701

(845) 794-3660

UNITED STATES BANKRUPTCY COURT Middle District of Pennsylvania		PROOF OF CLAIM
Name of Debtor: CURTIS CHARLES WALDHEIM AKA CURTIS C. WALDHEIM AKA CHARLES WALDHEIM DBA WALDHEIM MECHANICAL		Case Number: 5:17-bk-05202-RNO
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		2018 MAR -5 PM 12:42 U.S. BANKRUPTCY COURT <i>Mc</i>
Name of Creditor (the person or other entity to whom the debtor owes money or property): SCHMIDTS WHOLESALE INC		
Name and address where notices should be sent: M.L. ZAGER, P.C. 461 BROADWAY, POB 948 MONTICELLO, NY 12701 Telephone number: (845) 794-3660 email: RHUNTER@MZAGER.COM		COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ <u>117,586.81</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>services performed</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ <u>117,586.81</u>
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		Amount entitled to priority: \$ _____
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent.
(See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or other codebtor.
(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: ROBERT B. HUNTER

Title: ATTORNEY

Company: M.L. ZAGER, P.C.

Address and telephone number (if different from notice address above):

S/ ROBERT B HUNTER, ESQ. (RH2554)

02/20/2018

(Signature)

(Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

SCHMIDTS WHOLESALE INC.

2017666574

2017-3868
09/01/2017 12:34:27
2 Pages
JUDG

Plaintiff,

JUDGMENT

Daniel L. Briggs, Sullivan County Clerk

Clerk

-against-

CURTIS WALDHEIM
WALDHEIM MECHANICAL INC

Defendant(s).

SULLIVAN COUNTY CL
REC'D SEP 1 '17 PM1

Amount claimed less adjustments	3202.04	\$ 97639.43
Interest from 07-06-16 less payments	0.00	\$ 16178.72
Subtotal		\$ 113818.15
Costs by Statute	\$ 200.00	
Service of Summons & Complaint	\$ 142.50	
File fee	\$ 255.00	
Prospective Execution	\$ 22.50	
Prospective serv. of Subpoena	\$ 15.00	
Postage	\$ 2.00	
		\$ 637.00
Total		\$ 114455.15

STATE OF NEW YORK, COUNTY OF SULLIVAN

The undersigned, an attorney admitted to practice in the State of New York, associated with the attorneys for Plaintiff, under penalties of perjury affirms the following to be true: The disbursements specified above have been or will necessarily be made or incurred and are reasonable in amount.

Defendant(s) have failed to appear, answer or move, and the time to do so has expired. Plaintiff is entitled to a Judgment by default. I deposited a copy of the Summons in separate post-paid envelopes in an official depository of the U.S. Postal Service in Monticello, NY addressed to each defaulting defendant's last known residence address as set forth below on the following dates respectively: 06-02-17; 06-02-17;

DATED: 07-13-17

JUDGMENT ENTERED ON:
September 1, 2017

M.L. ZAGER, P.C.
By: JOSEPH LOUGHLIN/ROBERT HUNTER
461 Broadway/P.O. Box 948
Monticello, NY 12701
(845) 794-3660
Attorneys for Plaintiff

ADJUDGED that, SCHMIDTS WHOLESALE INC. ,Plaintiff,
residing at PO BOX 5100 MONTICELLO, NY
recover of CURTIS WALDHEIM 91 OAK AVE PO BOX 134 MATAMORAS, PA 18336
WALDHEIM MECHANICAL INC 91 OAK AVE MATAMORAS, PA 18336

the sum of \$ 97639.43 with interest of \$ 16178.72, making a total of \$ 113818.15 together with \$ 637.00 costs and disbursements, amounting in all to \$ 114455.15 and that Plaintiff have execution therefor.

Daniel L. Briggs
COUNTY CLERK

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This communication is from a debt collector.

SCHMIDTS WHOLESALE INC

WITH

CURTIS CHARLES WALDHEIM AKA CURTIS C. WALDHEIM

AKA CHARLES WALDHEIM DBA WALDHEIM MECHANICAL

BANKRUPTCY CASE NUMBER

5:17-bk-05202-RNO

CLIENT NUMBER(S)

OUR FILE NUMBER(S)

2156982

	Number Of Days
FROM: 09-01-17 (date jt entered)	
TO : 12-21-17(date filed bankruptcy)	111
Total Number of Days	111

Judgment Amount	\$114,455.15
Interest rate	9.00%
Interest for a year	\$10,300.96

Judgment Amount	\$114,455.15
Interest rate per day	0.0002465
Interest for a day	\$28.21

Total Days	111
Interest for a day	\$28.21
Total Interest For Days:	\$3,131.66

Judgment Amount	\$114,455.15
Total Interest For Days:	\$3,131.66
Total For POC	\$117,586.81

Post Judgment Payments	\$0.00
Total For POC after payments on Judgment	\$117,586.81

Total Judgment Balance Due \$117,586.81

SUMMARY OF PACKET		--OWING--		-RECEIVED-		ASSIGNED AMOUNTS	
ACCOUNT#	2156981	AGN/AMT	97,639.43	0.00	PRINCIPAL	97,639.43	0.00
NAME	WALDHEIM, CURTIS	INT	17,382.49	0.00	ASGN INT	0.00	0.00
NAME2		CANCELLED	0.00		COMM FEES	0.00	0.00
ADDRESS	PO BOX 134	ATTORNEY	0.00	0.00	CLT NSF	0.00	0.00
ADDRESS2		COURT	0.00	0.00	FIN CHARGE	0.00	0.00
CITY	MATAMORAS	MISC	405.96	0.00	LATE FEES	0.00	0.00
ST/ZIP	PA 18336	TOTAL****	115,427.88	0.00	TERM FEE	0.00	0.00
PHONE	333				AMISC5	0.00	0.00
NOTE LNS	310	NET W/JMT**		163,341.61	AMISC6	0.00	0.00
DESK	198	STATUS: B07 COMM: C			AMISC7	0.00	0.00
DOB		-- DATE --			AMISC8	0.00	0.00
SSN	XXXXXX 3956	ASSIGNED 10-08-16			JMT COSTS	0.00	0.00
DRL		LAST CHG 07-06-16					
CLIENT REF#		LAST PAY			MISCELLANEOUS AMOUNTS		
FWD-CLIENT		LAST ACT 09-13-22			--OWING--	--RECEIVED--	
INT RATE(D) 0		CL LC/LP 07-06-16			NSF FEE	0.00	0.00
PACKET#	859163	INTR EFF 09-01-17			OVERPMT	0.00	0.00
--- SPECIAL FIELDS ---					SRVC FEE	142.50	0.00
PATIENT	WALDHEIM, CURTIS	PAT PH#			FILING FEE	210.00	0.00
PAT DOB		ORIG CLM\$			REQ TRANS	0.00	0.00
PAT SSN		CREDIT RPT			FILE TRANS	0.00	0.00
					RJI FEE	53.46	0.00
					CLIENT BAL	0.00	0.00
					MISC7	0.00	0.00

--- TICKLER FILE ---

(1) LAST ACTION DT (/n) 12-21-17	(6) NEXT STEP	QB
(2) COLLECTOR ACTION (?)	(7) FOLLOWUP PRIO (1-10)	
(3) TIME TO WORK	(8) PROMISED PMT DATE	
(4) DATE WORK AGAIN 12-15-17	(9) IMP NOTE LINES	297»298»29
(5) PROMISED PMT AMT 0.00		

--- JUDGMENT INFORMATION ---

		--OWING--	-RECEIVED-
JUDGMENT NUMBER	27491	JUDGMENT AMOUNT	114,455.15
JUDGMENT DATE	09-01-17	ADD ON CHARGES	0.00
INTEREST RATE	0.02	NON-INTEREST CHARGES	0.00
LST CHG/PAY DATE	04-30-22	INTEREST	48,886.46
OFFSET AMOUNT	-964.27	TOTAL****	163,341.61
		JUDGMENT BALANCE**	163,341.61

--- FINANCIAL INFORMATION --- FOR ACCOUNT 2156981

(37) LEGAL? Y

(86) OWNS Y / N YES

(87) COUNTY PIKE

(120) POC FILED 03-05-18

(142) JUD TO CRT 08-23-17

(143) JUDG \$ 114455.15

(144) ENTER DATE 09-01-17

(151) R/N DATE 09-26-17

(152) NOTICEDBTR 09-08-17

(256) VENUE CODE VP

(257) COURT CODE S34

(258) S&C AMT 100841.47

(259) P/S DATE 05-16-17

(261) SERVED DTE 05-23-17

(262) SVC TYPE P

(263) SVC BY P43

--- FINANCIAL INFORMATION --- FOR ACCOUNT 2156981 (CONTINUED)

(264) AFF DATE 06-06-17
(265) CP DATE 06-02-17
(266) INDEX # 2017-758 FILED 5/3/17
(289) ATTY NAME A0475
(416) COMMERCIAL Y
(1347) PROBFINDER 11-30-17
(1356) DATE SENT 01-05-18
(1386) SNT2 TRIV 10-26-16

--- NOTES --- FOR ACCOUNT 2156981

* (001) 11:24 10-18-16 ADDED TO PKT# 859163 |AW
* (002) 11:31 10-18-16 EMP1 NAME: WALDHEIM MECHANICAL INC |AW
* (003) 11:31 10-18-16 EMP1 ADDR: . |AW
* (004) 11:31 10-18-16 BEG STRAT BEGIN
* (005) 11:31 10-18-16 REQ SERIES NONOTICE (ASGHSE)
* (006) 11:31 10-18-16 SUPP REV ADD BCK FROM (ARACTION)
* (007) 11:31 10-18-16 SUPP REV *AR (ALLOW WORK) (ARACTION)
* (008) 11:31 10-18-16 END STRAT BEGIN
* (009) 11:31 10-18-16 INPUT BY AW
* (010) 11:32 10-18-16 CREATED NEW RP PACKET 32479 |AW
* (011) 11:33 10-18-16 OIEFF:10-08-16 -NIEFF:07-06-16 |AW
* (012) 11:33 10-18-16 OINT:0-NINT:.09 |AW
* (013) 11:38 10-18-16 STP NTC |AW
(014) 11:39 10-18-16 NO STRATS TO STOP WB/AW
(015) 11:40 10-18-16 THERE ARE NUMEROUS INVOICES/ DATES WB/AW
(016) OF SERVICES.
(017) 11:41 10-18-16 STARTING WITH 10/7/15 WB/AW
(018) 14:09 10-18-16 PER CLT E-MAIL - The organization WB/LE
(019) is more than likely going to file
(020) for bankruptcy and we would like
(021) to get our claim in as soon as
(022) possible. I have listed the
(023) various jobs in the event that you
(024) would like to place mechanic
(025) lien(s) on any. Also attached is
(026) the workup depicting his
(027) \$97,639.43 balance and his
(028) original application for credit
(029) for which the owner, Curtis
(030) Waldheim, has signed as a personal
(031) guarantee. Let me know if you need
(032) anything further.
(033) 14:09 10-18-16 PER JL/RH - WE ARE REQING A 1 TIME WB/LE
(034) SUIT FEE OF \$1,500.00 PLUS
(035) CONTINGENCY ON ANYTHING WE COLL
(036) 14:10 10-18-16 LETTER WAS SENT TO CLT EXPLAINING WB/LE
(037) THIS AND ASKING FOR THE \$1500.00
(038) ON 10-3-16
* (039) 14:11 10-18-16 ADD 6 NOTE(S) |LE
* (040) 20:11 10-18-16 REQ ACOLLAID REPORT 'BC' IMD,10533 |IMD
* (041) 21:37 10-18-16 ACOLLAID, NO HIT
(042) 10:29 10-24-16 ATTYREV NAME,ADD,BAL&ALL PERT INFO|WB/JL

* (043) 10:29 10-24-16 BEG STRAT MB |JL
* (044) 10:29 10-24-16 END STRAT MB
* (045) 10:29 10-24-16 BEG STRAT COMM |JL
* (046) 10:29 10-24-16 STRAT REQ LTR C1 (COMM)
* (047) 10:29 10-24-16 END STRAT COMM
* (048) 20:00 10-24-16 REQ LTR# C1 C1 LETTER SENT (COMM) |AW
* (049) 08:02 10-25-16 SNT LTR C1
* (050) 11:53 10-26-16 SUPP REV ADD BCK |KC
 (051) 11:56 10-26-16 AREA CODE 860 IS IN CT(NGS) D |KC
 (052) BANKS W/SUSSEX BANK IN PT JERVIS,
 (053) NY, PER BH NOTES FROM BK FILING,
 (054) SPOUSE IS AMY WALDHEIM RESIDES @74
 (055) PEENPACK TRAIL HUGUENOT, NY SS IS
 (056) 059-56-9628, OTHER ADDR OF 32
 (057) SULLIVAN AVE PT JERVIS OTHER J/M
 (058) CAP ONE
* (059) 12:04 10-26-16 REQ LTR# P1 P1 POST OFFICE REQ |KC
 (060) 12:19 10-26-16 CHK'S SOUTHERN DISTRICT ONLY, NO |KC
 (061) FILING FOUND
 (062) 12:24 10-26-16 also chk'd all 3 districts in pa |KC
 (063) none found
 (064) 12:24 10-26-16 c1 sent |KC
 (065) 12:28 10-26-16 PER NON LEG, POSS HP FOR AMY IS |KC
 (066) 222-7149
 (067) 12:29 10-26-16 AMY OWNS 32 SULLIVAN AVE |KC
 (068) 12:30 10-26-16 CALL MADE|2227149 SPOKE TO AMY SHE |KC
 (069) SD HASNT BEEN MARRIED TO CURTIS IN
 (070) 20 YRS. NO CONTACT INFO.
 (071) 12:36 10-26-16 per tlo has over 34k in lien's, |KC
 (072) poss hp's 570-590-2982 &
 (073) 570-491-5382
 (074) 12:42 10-26-16 CHK'D PROP IN PIKE COUNTY POSS D |KC
 (075) OWNS 2 PARCELS.
 (076) 12:44 10-26-16 CALL MADE|570590# ONLY SPANISH ON |KC
 (077) MACHINE, CLL'D OTHER NIS.
 (078) 15:04 10-26-16 PER TLO THE 99' FILING WAS DONE IN |KC
 (079) NY SOUTHERN DISTRICT, CHK'D TO SEE
 (080) IF D2 FILED NONE FOUND
 (081) 15:05 10-26-16 REVW'D W/BH OK TO CALL HP AS THIS |KC
 (082) IS COMMERCIAL DEBT.
 (083) 15:07 10-26-16 CALL MADE|HP LMM |KC
 (084) 16:05 10-26-16 CURTIS CLL'D BACK WOULD ONLY |KC
 (085) ADVISE HE HAS AN ATTY VINCENT
 (086) RUBINO, HE IS FILING CHAPTER 13,
 (087) ASKED ABOUT THE CORP, WOULD ONLY
 (088) TELL ME TO CONTACT THE ATTY, ASKED
 (089) IF RETAINER PAID, HE SD TO CONTACT
 (090) THE ATTY @ 570-421-9090
 (091) 16:10 10-26-16 CALL MADE|5704219090 |KC
 (092) 16:11 10-26-16 THEY NEED A REQUEST IN WRITING, |KC
 (093) THEIR MAILING ADDR IS POBOX 511
 (094) STROUDSBURG, PA 18360
 (095) 16:21 10-26-16 EMAIL TO JM TO ADD ATTY INFO AND |KC
 (096) SEND AN FB
* (097) 16:23 10-26-16 ADDR:PO BOX 134 |KC
* (098) 16:23 10-26-16 OPH#:860-398-3009 |KC

- * (099) 16:24 10-26-16 STP NTC |KC
- * (100) 07:57 10-27-16 SNT LTR P1
- * (101) 14:05 10-27-16 REQ LTR# FB FB ATTY ON BANRUPTCY |JM
- * (102) 08:04 10-28-16 SNT LTR FB
- (103) 10:10 10-28-16 SPOKE WITH CLT|LESLIE;SHE WILL WB/RH
- (104) FILE MECHANICS LIENS=OK
- (105) 13:40 11-02-16 POST OFFICE INQ RETURNED|PHYS ADDR WB/EB
- (106) 91 OAK AVE MATAMORAS PA 18336-P1
- (107) SENT TO ATTY CONTACT MATAMORAS PA
- (108) 18336
- (109) 12:08 11-08-16 STILL WAITING ON RESPONSE FROM |KC
- (110) ATTY
- (111) 08:55 11-15-16 PER BH SUE ASAP, SULL SUPREME |KC
- * (112) 08:55 11-15-16 STP NTC |KC
- * (113) 08:55 11-15-16 ADDR:ATTY CONTACT |KC
- * (114) 08:56 11-15-16 OSTs:ACT |KC
- * (115) 08:56 11-15-16 REQ LTR# SUPREMEW6 SUPREME GOODS S&C |KC
- * (116) 08:56 11-15-16 REQ LTR# CT CT S&C TO CLT |KC
- * (117) 08:56 11-15-16 REQ LTR# SN SN LTR TO DEF |KC
- * (118) 08:56 11-15-16 REQ LTR SN |KC
- (119) 08:56 11-15-16 NEED TO PUT ATTY CONTACT BACK |KC
- * (120) 08:56 11-15-16 CAN LTR# SN |KC
- * (121) 08:05 11-16-16 SNT LTR CT
- * (122) 08:05 11-16-16 SNT LTR SUPREMEW6
- (123) 16:56 11-17-16 PER TLO D1 LISTED AS LIVING AT 91 WB/JM
- (124) OAK AVE, MATAMORAS, PA 18336-2003
- (125) (PIKE COUNTY) (11/2010 to
- (126) Present); WILL ISSUE FOR SVC THERE
- (127) 10:31 11-18-16 S&c TO JL TO REV/SIGN|WB/DG
- (128) 15:59 11-18-16 REVD ACCT,OK TO PROCEED WITH LEGAL WB/JL
- * (129) 11:19 11-21-16 OSTs:SUE |DG
- (130) 11:19 11-21-16 S&C MAILED SN DESTROYED|WB/DG
- (131) 10:04 11-30-16 S&C BACK FROM CLIENT|WB/JM
- (132) 10:04 11-30-16 S&c TO JL TO REV/SIGN|WB/JM
- * (133) 12:17 12-05-16 ODSK:130 |JM
- * (134) 12:17 12-05-16 OSTs:OFV |JM
- * (135) 12:17 12-05-16 REQ LTR# K1J K1 LTR TO CLERK |JM
- * (136) 12:17 12-05-16 REQ LTR# INDEX INDEX NUMBER REQUEST |JM
- * (137) 08:21 12-06-16 SNT LTR K1J
- * (138) 08:21 12-06-16 SNT LTR INDEX
- (139) 11:54 12-06-16 FILE TO BOOKKEEPER FOR CHECK|WB/JM
- (140) 16:13 03-09-17 RCVD E-MAIL FROM LESLIE @ CLT - WB/LE
- (141) Can you give me a status update on
- (142) this debtor?
- (143) 16:16 03-09-17 E-MAILED LESLIE - We are in WB/LE
- (144) process of filing for an index
- (145) number. After we have an index
- (146) number we can serve the debtor and
- (147) proceed with legal action.
- (148) 13:29 05-01-17 K1 MAILED FOR INDEX #|WB/DG
- * (149) 16:23 05-02-17 INTEREST CHARGE 7222.64
- * (150) 16:23 05-02-17 TC=206 210.00 *M2-A RP# 2156981 - |AW
- (151) (CONT) WALDHEIM, CURTIS
- * (152) 15:23 05-15-17 REQ LTR# K3 K3 LTR TO PROCESS SV |JM
- * (153) 07:58 05-16-17 SNT LTR K3
- (154) 09:41 05-17-17 K3 MAILED WB/DG

(155) 15:53 06-01-17 AFFD BACK; D PERSONALLY SERVED ON WB/DG
(156) 5-23-17 AT 91 OAK AVE MATAMORAS,
(157) PA. D2 WALDHEIM MECHANICAL INC
(158) SERVED TO CURTIS
(159) WALDHEIM-AUTHORIZED AGENT ON
(160) 5-23-17 AT SAME ADDRESS.
* (161) 15:58 06-01-17 OSTs:OTC |DG
* (162) 15:58 06-01-17 REQ LTR# CP CP COPY S&C DEF1 |DG
* (163) 15:58 06-01-17 REQ LTR# K1J K1 LTR TO CLERK |DG
* (164) 07:58 06-02-17 SNT LTR CP
* (165) 07:58 06-02-17 SNT LTR K1J
(166) 11:22 06-02-17 CP MAILED|WB/DG
(167) 11:22 06-02-17 K1J/AFF MAILED|WB/DG
(168) 11:22 06-02-17 RP# 2156982 : CP MAILED WB/DG
* (169) 10:44 06-05-17 INTEREST CHARGE 8041.21
* (170) 10:44 06-05-17 TC=193 142.50 *M1-A RP# 2156981 - |AW
(171) (CONT) WALDHEIM, CURTIS
* (172) 11:03 06-13-17 BEG STRAT TEST |DG
* (173) 11:03 06-13-17 ODATE WORK AGAIN 11-17-16 (TKL30)
* (174) 22:10 07-12-17 END STRAT TEST
* (175) 22:10 07-12-17 BEG STRAT JMTPRINT
* (176) 22:10 07-12-17 STRAT REQ LTR JUDSUPD (JUDSUPD)
* (177) 22:10 07-12-17 STRAT REQ LTR K1 (JUDSUPD)
* (178) 22:10 07-12-17 OSTs: AWJ (JUDSUPD)
* (179) 22:10 07-12-17 ODATE WORK AGAIN 07-16-17 (JUDSUPD)
* (180) 22:10 07-12-17 END STRAT JMTPRINT
* (181) 22:11 07-12-17 REQ LTR# JUDSUPD SUPREME DEFAULT |AW
(182) (CONT) JUDG (JUDSUPD)
* (183) 22:11 07-12-17 REQ LTR# K1 K1 LTR TO CLERK |AW
(184) (CONT) (JUDSUPD)
* (185) 09:37 07-13-17 SNT LTR JUDSUPD
* (186) 09:38 07-13-17 SNT LTR K1
(187) 14:39 07-14-17 FILE TO BH TO REV/SIGN|WB/JM
(188) 15:21 07-18-17 OK TO ISSUE JMENT WB/RH
(189) 09:53 07-19-17 FILE TO BOOKKEEPER FOR CHECK|WB/JM
* (190) 15:08 08-23-17 OSTs:JTA |JM
(191) 15:08 08-23-17 JUDGMENT MAILED|WB/JM
* (192) 14:03 08-24-17 INTEREST CHARGE 1926.04
* (193) 14:03 08-24-17 TC=245 45.00 *M5-A JUDGMENT RP# |AW
(194) (CONT) 2156981 - WALDHEIM, CURTIS
* (195) 15:25 09-08-17 JUDG \$: 114455.15 |JM
* (196) 15:25 09-08-17 INTEREST CHARGE 192.60
* (197) 15:25 09-08-17 JMT 27491 ENTERED 114455.15 09-01-17 |JM
(198) INT RT=0.09
* (199) 15:25 09-08-17 BEG STRAT JMT |JM
* (200) 15:25 09-08-17 OSTs: JTC (JUD)
* (201) 15:25 09-08-17 END STRAT JMT
* (202) 15:25 09-08-17 REQ LTR# J3 J3 COPY JUDG TO DEF1 |JM
* (203) 08:37 09-11-17 SNT LTR J3
(204) 13:02 09-11-17 J3 LETTER MAILED|WB/DG
(205) 13:03 09-11-17 FILE DOWN TO BE ENFORCED|WB/DG
(206) 13:03 09-11-17 RP# 2156982 : J3 WB/DG
(207) LETTER MAILED
(208) 14:34 09-11-17 FILE SCANNED & DESTROYED WB/EB
* (209) 15:11 09-11-17 REQ EXPERIAN-CREDIT-REPORT REPORT |KC
(210) 15:19 09-11-17 GOOGLED SUSSEX IN PT JERVIS IS NOW WB/KC

(211) JEFF BANK
(212) 15:20 09-11-17 CLL' TO SEE IF SUSSEX MERGED WB/KC
(213) W/JEFF AND THEY DID NOT JUST LEFT
(214) PT JERVIS LOCATION, WILL SEND
(215) SUPB TO JEFF
* (216) 15:25 09-11-17 REC EXPERIAN-CREDIT-REPORT REPORT
(217) 15:41 09-11-17 PER CBI|21K TAX LIEN, VOL SURR, NO WB/KC
(218) BANK INFO
* (219) 15:42 09-11-17 REQ LTR# SQBRN SUP QB R/N BANKS |KC
(220) 15:46 09-11-17 chk'd pacers no person found WB/KC
(221) 15:46 09-11-17 RP# 2156982 : chk'd pacers no corp WB/KC
(222) found
(223) 15:59 09-11-17 WILL REVW W/BH NEED DEPO WB/KC
(224) 16:15 09-11-17 REQUEST WIP CHANGE|TO 130 WB/KC
* (225) 07:43 09-12-17 SNT LTR SQBRN
(226) 11:22 09-13-17 INFO SUB TO BH FOR REVIEW WB/DG
(227) 09:42 09-14-17 OK TO ISSUE RN WB/RH
(228) 09:43 09-14-17 PERHAPS TRY DIME BANK AND WAYNE WB/RH
(229) COUNTY BANK;HAVE BRANCHES IN NY I
(230) BELIEVE
* (231) 09:51 09-14-17 REF BCK: |DG
* (232) 09:51 09-14-17 OSTs:JUD |DG
(233) 09:51 09-14-17 ISRN MAILED|WB/DG
* (234) 09:32 09-19-17 TC=245 4.23 *M5-A CERT RP# 2156981 - |AW
(235) (CONT) WALDHEIM, CURTIS
(236) 14:49 09-21-17 PER QB:|JEFF BANK THEY ARE HOLDING WB/KC
(237) 8.91
(238) 14:53 09-21-17 THE DIME BANK IS ONLY IN PA, THERE WB/KC
(239) ARE OTHER DIME BANKS IN NY BUT
(240) THEY ARE A DIFF ENTITY, SENDING QB
(241) TO WAYNE
* (242) 14:56 09-21-17 REQ LTR# SQBRN SUP QB R/N BANKS |KC
* (243) 07:35 09-22-17 SNT LTR SQBRN
(244) 11:00 09-22-17 INFO SUB TO BH FOR REVIEW WB/DG
(245) 10:01 09-26-17 OK TO ISSUE WB/RH
* (246) 11:28 09-26-17 R/N DATE: 09-14-2017 |DG
(247) 11:28 09-26-17 ISRN MAILED|WB/DG
(248) 14:54 09-26-17 REVW'D W/BH, WE CANNOT SERVE D IN WB/KC
(249) PA. NEED TO KNOW WHERE WRKNG IF IN
(250) NY WE COULD SERVE HIM THERE.
* (251) 09:23 09-27-17 TC=245 4.23 *M5-A CERT RP# 2156981 - |AW
(252) (CONT) WALDHEIM, CURTIS
(253) 08:26 11-20-17 R/N BACK FROM BANK NO HIT|WAYNE WB/EB
(254) BANK
(255) 16:19 12-21-17 recd notice of bk filing;atty WB/RH
(256) vincent rubino;filed ch 13 us bk
(257) ct middle district of penna;
(258) 2017-758
* (259) 16:20 12-21-17 OSTs:LEX |RH
(260) 16:24 12-21-17 JEFF BANK IS HOLDING 8.91 WILL WB/KC
(261) PREPARE TR LTR.
* (262) 16:24 12-21-17 ADD 2 NOTE(S) |KC
(263) 16:34 12-21-17 prepared to tr to bank and atty to WB/KC
(264) bh to sign, also per BH he
(265) contacted the atty via tel
(266) 570-421-9090 spke to lisa to

(267) acknowledge we aware of bk filing.
(268) 16:34 12-21-17 t/c to aw WB/KC
(269) 16:46 12-21-17 FAXED LETTER TO JEFF BANK @ WB/AW
(270) 482-3544
(271) 16:46 12-21-17 FAXED LETTER TO VINCENT RUBINO WB/AW
(272) ESQ, @ 570-424-9739
* (273) 04:02 12-23-17 eB-BANKRUPTCY HIT |..
* (274) 04:02 12-23-17 BEG STRAT TIG-BAN (MASS-SS)
* (275) 04:02 12-23-17 PROTECT STS: B07 (TIG-BAN)
* (276) 04:02 12-23-17 END STRAT TIG-BAN
* (277) 04:02 12-25-17 eB-BANKRUPTCY HIT |..
* (278) 04:02 12-25-17 BEG STRAT TIG-BAN (MASS-SS)
* (279) 04:02 12-25-17 PROTECT STS: B07 (TIG-BAN)
* (280) 04:02 12-25-17 END STRAT TIG-BAN
* (281) 10:00 12-27-17 SUPP REV ADD BCK |JM
* (282) 10:00 12-27-17 STP NTC |JM
* (283) 10:01 12-27-17 CANCEL CR RPTG |JM
* (284) 10:01 12-27-17 STP NTC |JM
(285) 13:52 01-29-18 RECVD NOTICE FROM BK CRT; DEADLINE WB/JM
(286) FOR OBJ TO CONFIRMATION OF PLAN IS
(287) 3/14/18; TO BH
(288) 10:12 02-07-18 revd notice frm ct;note to le;did WB/RH
(289) we receive 1500 suit fee?
(290) 10:17 02-07-18 CLT DID PAY THE \$1500 SUIT FEE ON WB/LE
(291) 10-20-16
(292) 11:20 02-20-18 PREPD POC; TO BH WB/JM
(293) 11:27 02-22-18 OK TO ISSUE POC WB/RH
(294) 12:36 02-26-18 POC FILED TODAY WB/JM
* (295) 12:25 03-13-18 POC FILED: 02-26-18 |JM
(296) 16:51 09-17-20 REVD CH 13 PLAN;NO OBJ;TO SCANNER WB/RH
(297) 14:10 04-28-22 **JUDGMENT INTEREST CORRECTED TO 2%**
(298) 10:52 04-29-22 **Per injunction interest 9%**
(299) 11:11 05-20-22 **INT CALC @9% UNTIL 4.30.22 48033.53
(300) (CONT) AND THEN 2%**
(301) 11:05 09-12-22 RECVD OBJECTION TO CLAIM #9; TO BH WB/JM
(302) TO REVW
(303) 09:55 09-13-22 REVD OBJECTION;ASSERTS LATE WB/RH
(304) FILING;POC NOT RECD BY CT UNTIL
(305) 3/5/18;DEADLINE WAS 3/1/18;PER
(306) NOTES POC MAILED ON 2/22/18?NO
(307) EVID OF MAILING;NO ENVELOPE IS
(308) PART OF CLAIM ON FILE
(309) 10:03 09-13-22 AM REVIEWING;DOESNT APPEAR WE HAVE WB/RH
(310) A DEFENSE

AFFIRMATION OF SERVICE BY MAIL

The undersigned affirms under penalty of perjury that he is over 18 years of age and is an attorney at law duly admitted to practice in the State of New York and is associated with the firm of M. L. Zager, P.C.

That on the 14th day of September 2022, affirmant served the within *AFFIRMATION IN OPPOSITION* upon:

United States Bankruptcy Court
Middle District of Pennsylvania
Max Rosen U.S. Courthouse
197 South Main Street
Wilkes-Barre PA 18701

Jack N. Zaharopoulos
Chapter 13 Trustee
8125 Adams Dr. Suite A
Hummelstown PA 17036

Vincent Rubino, Esq.
712 Monroe Street
P.O. Box 511
Stroudsburg PA 18360

the address designated by them for that purpose by depositing a true copy of the same enclosed in a postpaid properly addressed wrapper by regular mail in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Dated: September 14, 2022



M.L. ZAGER, P.C.
BY: ROBERT B. HUNTER, ESQ.
Attorneys for Schmidts Wholesale Inc.
461 Broadway, P.O. Box 948
Monticello, N.Y. 12701
(845) 794-3660